

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ECF CASE  
08 CV 5691 (PAC)

ALPHA OIL INTERNATIONAL (H.K.),  
  
Plaintiff,  
- against -  
  
IN SUNG CORPORATION and SE JIN  
REEFER CO.,  
  
Defendants.

VERIFIED COMPLAINT IN  
ADMIRALTY

Plaintiff, by its attorneys, Cichanowicz Callan Keane Vengrow & Textor, LLP, for its complaint, alleges on information and belief:

1. The jurisdiction of this Court is based upon the admiralty and maritime nature of the claims within the meaning of 28 U.S.C. 1333(1). These are admiralty or maritime claims within the meaning of F.R.Civ.P. 9(h).

2. Defendants were the purchasers, buyers, receivers, billing parties, and otherwise obligated for various quantities of ships' bunkers sold to them by plaintiff and supplied to their ships ("Bunkers").

3. Pursuant to the purchase/sales agreements between plaintiff and defendants, the Bunkers were properly and timely delivered, but defendants have failed to pay the agreed upon purchase prices and other amounts due under the agreements.

4. As a result there is now due and owing to plaintiff:

- (a) \$90,974.04 from defendant, IN SUNG CORPORATION, comprising:
  - (i) \$19,313.97 for Bunkers for the MV "IN SUNG NO. 1,"
  - (ii) \$2,184.33 for contractual late payment interest due on item (i),

(iii) \$32,597.18 in contractual interest for 2007 for late payment of invoices for Bunkers, and

(iv) \$36,878.59 in contractual interest for 2006 for late payment of invoices for Bunkers; and

(b) \$227,328.05 from defendant, SE JIN REEFER CO., comprising;

(i) \$40,320.00 for Bunkers for the MV "501 Chance,"

(ii) \$28,488.41 for Bunkers for the MV "15 MS," and

(iii) \$158,520.24 in contractual interest for late payment of Bunkers supplied to the MV "11 KYUNG YANG."

no part of which has been paid although duly demanded.

5. Plaintiff sues on theories of breach of contract and account stated.

6. All conditions precedent have been performed or have occurred.

7. By agreement between the parties, in any successful action brought by plaintiff for recovery of amounts due it, plaintiff shall also recover its attorneys' fees, costs and disbursements.

8. Plaintiff's good faith estimate of its claims against defendants (including costs, disbursements, attorneys' fees, and interest) is:

(a) \$135,000.00 against defendant, IN SUNG CORPORATION; and

(b) \$341,000.00 against defendant, SE JIN REEFER CO.

WHEREFORE, Plaintiff prays:

(a) That process in due form of law according to the practice of this Court in cases of admiralty and maritime jurisdiction issue against the defendant, citing it to appear and answer under oath all and singular the matters alleged;

(b) That since the defendants cannot be found within the district pursuant to Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims, this Court grant an Order directing the Clerk of Court to issue Process of Maritime Attachment and Garnishment, pursuant to Rule B of the Supplemental Admiralty Rules attaching all tangible or intangible property in whatever form or any other funds held by any garnishees to be named in the process up to the amount of:

(i) \$135,000.00 for defendant, IN SUNG CORPORATION; and

(ii) \$341,000.00 for defendant, SE JIN REEFER CO.

those being plaintiff's good faith estimates of the principal amounts, prejudgment interest, attorneys' fees, costs and disbursements sued for, to secure the plaintiff's claim, and that all persons claiming any interest in the same be cited to appear and pursuant to Supplemental Admiralty Rule B answer the matters alleged; and

(c) That plaintiff have judgment for the amount of its claims together with interest plus the costs and disbursements of this action.

Dated: New York, NY, June 23, 2008

CICHANOWICZ, CALLAN, KEANE,

VENGROW & TEXTOR, LLP  
Attorneys for Plaintiff

By: /s/ Joseph De May, Jr.  
Joseph De May, Jr. [JD-9105]  
61 Broadway, Suite 3000  
New York, New York 10006-2802  
(212)344-7042

ATTORNEY VERIFICATION

The undersigned declares that the following statement is true under the penalties of perjury:

1. I am over 18 years of age, of sound mind, capable of making this verification and fully competent to testify to all matters stated herein.
2. I am attorney for the plaintiff in this action and I am fully authorized to make this verification on its behalf.
3. I have read the foregoing complaint, and the contents thereof are true and accurate to the best of my knowledge upon information and belief.
4. The reason that this verification was made by me and not the plaintiff is that the plaintiff is a corporation, none of whose officers are present in the district.
5. The source of my knowledge is information and records furnished to me by the plaintiff and its underwriters, all of which I believe to be true and accurate.

Dated: New York, New York

June 23, 2008

/s/ Joseph De May, Jr.

Joseph De May, Jr. [JD-9105]